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FROM: Barbara M. Hayashi

DATE: January 17, 2006

Number of pages with cover page:	5	Our Reference 297912004400
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Preparer of this slip has confirmed that facsimile number given is correct: **11487/BMH2**

Comments:

Application No. 10/500,522

Attached: a) Transmittal Form, b) Petition Fee Transmittal, c) Petition to Expunge – 2 pages.

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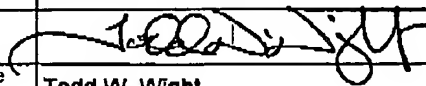
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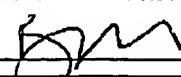
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/500,522	
	Filing Date	April 6, 2005	
	First Named Inventor	Norbert HESKE	
	Art Unit	3736	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	297912004400

ENCLOSURES <i>(Check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - 2 pages <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP, Customer No. 25224		
Signature			
Printed name	Todd W. Wight		
Date	January 17, 2006	Reg. No.	45,218

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
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Dated: January 17, 2006

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(Barbara Hayashi)**RECEIVED
CENTRAL FAX CENTER****JAN 17 2006**Docket No.: 297912004400
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Norbert HESKE et al.

Application No.: 10/500,522

Confirmation No.: 6406

Filed: April 6, 2005

Art Unit: 3736

For: VACUUM BIOPSY DEVICE

Examiner: Not Yet Assigned

**PETITION TO EXPUNGE INFORMATION UNINTENTIONALLY SUBMITTED IN
APPLICATION UNDER 37 CFR §1.59(B)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner requests that one page of information unintentionally submitted in an Information Disclosure Statement filed on October 1, 2004, be expunged from the record. The information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party in interest on whose behalf the information was submitted. The information has not otherwise been made public.

The one page of information was inadvertently included in the copy of foreign reference WO 00/30546 attached to the Information Disclosure Statement filed on October 1, 2004. The page to be expunged is page 68, following Figure 13, and is marked "Privileged & Confidential".

The Fee Transmittal for the petition fee as set forth in §1.17(g) is attached.

Authorization is hereby made to charge any additional fees required by this paper or credit any

01/19/2006 EFLDRES 00000114 031952 10500522

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Application No.: 10/500,522

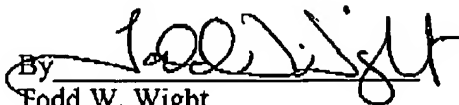
2

Docket No.: 297912004400

overpayment to Deposit Account No. 031952.

Dated: January 17, 2006

Respectfully submitted,

By 

Fodd W. Wight

Registration No.: 45,218
MORRISON & FOERSTER LLP
1990 MacArthur Boulevard
Irvine, California 92612-2445
(949) 251-7189

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/500,522
	Filing Date	April 6, 2005
	First Named Inventor	Norbert HESKE
	Art Unit	3736
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	297912004400

Enclosed is a petition filed under 37 CFR 1.59 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
☐ Check in the amount of \$ is enclosed.
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

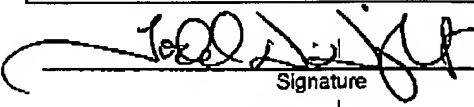
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.235 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.560(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.958 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


 Signature _____ Date January 17, 2006
 Todd W. Wight _____ 45,218
 Typed or printed name _____ Registration No., if applicable

oc-308980